

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

SEPTEMBER 5, 2007

The following petitions were received and were heard by the Tiverton Zoning Board on September 5, 2007 at 7:30 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairman David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst, Susan Krumholz & Raymond LaFazia (alternate).

Also present were: Peter Ruggiero, Town Solicitor, Mary Ann Escobar, Court Reporter and Gareth Eames, Building Inspector.

1. An appeal has been filed by John & Eileen Moran et al appealing a decision of the Building Official to issue a building permit for a new yacht club structure dated December 1, 2006 at 58 Riverside Drive, Tiverton RI being Block 70 Card 5 on Tiverton Tax Assessor's maps and located in a R40 zone.

Decision: A motion was made by Ms. Krumholz to continue until the next meeting. A court decision was rendered in the matter and the attorneys needed some time to go over the decision. Mr. Jackson seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

2. An appeal has been filed by David M & Kathleen Campbell appealing a decision of the Building Official to issue a building permit for a new yacht club structure dated December 1, 2006 at 58 Riverside Drive, Tiverton RI being Block 70 Card 5 on Tiverton Tax Assessor's maps and located in a R40 zone.

Decision: A motion was made by Ms. Krumholz to continue until the next meeting. A court decision was rendered in the matter and the attorneys needed some time to go over the decision. Mr. Jackson seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

3. A petition has been filed by Mark & Filomena Rego of 227 Riverside Drive, Tiverton, RI requesting an extension to zoning variance granted on September 6, 2006 that allowed the construction of three additions to an existing dwelling and the addition of a second floor onto an existing attached garage on property located at 227 Riverside Drive, Tiverton, RI at, Block 54, Lot 1 closer to the rear and side yard setbacks than is currently allowed in an R40 zone.

Decision: Mr. Rego appeared before the Board and requested a 6 month extension, due to the fact the petitioners were having difficulty with CRMC and has had to re-arrange his building plans due to the proximity to the water. Mr. Taylor made a motion to grant an extension of this variance for another six months. Mr. Jackson seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

4. A petition has been received by Hemmah LLC c/o Anthony H. Cincotta of 1334 Main Road, Tiverton, RI requesting a variance to Article IV, Section 7.b. of the Tiverton Zoning Ordinance in order to use a portion of the existing structure for office and classroom uses at 1334 Main Road, Tiverton, RI being Block 218 Card 4 on Tiverton Tax Assessor's Maps whereby these uses are not allowed in a R40 zone.

Decision: Mr. Anthony Cincotta appeared before the Board requesting a variance on the use of his facility at 1334 Main Road to allow general office space in the facility. There is approval now as medical laboratory office space for which it is being used in only 20 percent of the building. The other portion of the building has been vacant for a few years. There is additional open space that he would like to utilize. By receiving a variance to use it as office space, it will allow him the capability to lease that space to professionals outside the medical science realm such as engineers, business and education officials, et cetera and classroom space. Mr. Cincotta also stated there is a strong interest from Roger Williams University to utilize a portion of that available space for office space and a portion for classroom space as well.

Ms. Krumholz had some concerns for the portion that would be classroom space and wanted to know approximately how many students would be entering and exiting that building. Mr. Cincotta replied approximately 30 students. He also stated that there is 90 parking spaces, which would exceed the amount of parking that is needed.

Mr. Jackson had a question about pro metric testing and what that entailed. Mr. Arthur Greenwood, director of professional development for Roger Williams University was sworn in and testified as follows: The classroom would first of all be used as a professional development class, mainly for adult learners and professionals from area corporations, and the pro metric testing center would be where they are tested after receiving their training.

Mr. Jackson also had questions regarding the footprint of the building and what work they would need to do in order for this to be occupied. Mr. Cincotta replied that the exterior of the building will remain the same. The interior would just need to have drywall partitions. The building already has a sprinkler system and HVAC almost completely built out into that area.

The Board went into Executive Session and discussed the following: Ms. Krumholz brought it to the Board's attention that in an R40 zone that a private trade professional or school is allowed by a special use permit but a junior college, college or university is not. Mr. Ruggiero responded that you can but you have to give them a use variance.

Mr. Jackson made a motion to grant the use for administrative offices and classroom space to be limited to 5,000 square feet and that such relief is not contrary to

public interest and that the literal enforcement of the provision would result in an unnecessary hardship to the applicant. Also, the Board recognized that this petitioner had requested the same relief previously and it was granted. Mr. Jackson also stated by allowing relief from the provision of the ordinance the board is granting the least variance needed for this petition. Ms. Krumholz seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

5. A petition has been received by Richard T. Chagnon of 888 Faunce Corner Road, Dartmouth, Ma requesting a variance to Article V, Section 1 of the Tiverton Zoning Ordinance in order to raze the existing dwelling and construct a new dwelling at 18 Poplar Street, Tiverton, RI being Block 97 Card 15 on Tiverton Tax Assessor's maps closer to the front and rear yard setbacks than is currently allowed in a R80 zone.

Decision: Mr. Chagnon appeared before the board and stated that he wishes to tear down the existing one-bedroom dwelling and replace it with a two-bedroom dwelling with a second floor. He looked into just repairing it, but there is a lot of damage to the building and it would be better to replace the whole thing.

Many neighbors appeared and voiced their opinion about this proposal. Some neighbors were concerned about the well being too close to the septic. Some neighbors were concerned about putting a house this large on such a small lot. One neighbor was concerned about the street being tampered with and dirt building up on his property. Some neighbors were concerned about water flowing onto their properties.

The Board went into executive session and discussed the size of the lot and nonconformity of the house. Mr. Taylor made a motion to deny the request for a variance explaining that the relief would be contrary to public interest, it would not be an unnecessary hardship to replace what's there or to repair what's there, and if the board granted the requested variance it would in fact alter the general character of the neighborhood. Mr. Fairhurst seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

Administrative Items: Mr. Taylor made a motion to accept last month's minutes. Mr. Jackson seconded. The vote was unanimous. Voting were: David Collins, Jay Jackson, Richard Taylor, Michael Fairhurst & Susan Krumholz.

Whereupon the meeting adjourned at 9:38 p.m.

ZBR:mae